IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 10522 of 1996

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

MR MEENA - Petitioner(s)
Versus
CHIEF SECURITY COMMISSIONER & 1 - Respondent(s)

==========

Appearance :
MR RK MISHRA for Petitioner(s) : 1,
MR JC SHETH for Respondent(s) : 1,
MR KALPESH N SHASTRI for Respondent(s) : 2,

==========

CORAM : HONOURABLE MR.JUSTICE M.R. SHAH
Date : 15/11/2006

ORAL JUDGMENT

The main grievance made by the petitioner in the present Special Civil Application is non-consideration of the case of the petitioner for promotion and keeping promotion of the petitioner

in closed/sealed cover. It appears that further consequential reliefs are also sought directing the respondent authorities to place the petitioner above his junior counterparts who came to be promoted on and after the selection test conducted in the year 1987 by ordering that the actual seniority of the petitioner should be granted to him by placing him in the appropriate time scale grade of Inspector, RPF and to refix his pay with yearly increments etc.

2. Today, when the matter is called out, learned advocates appearing on behalf of the parties have submitted that during pendency of the present Special Civil Application, by order dated 18-19/23rd March 2004 the petitioner has already been promoted. Under the circumstances, to that extent the grievance of the petitioner would not survive. However, at this stage, Shri RK Mishra, learned advocate appearing for the petitioner has submitted that the question with

regard to deemed date and other consequential benefits, seniority to be refixed etc., will still survive. It is required to be noted that, if seniority of the petitioner is to be refixed, in that case, some persons are likely to be affected who are not parties to the present proceedings. Under the circumstances, while disposing the present Special Civil Application, liberty is reserved in favour of the petitioner to initiate appropriate proceedings for other consequential reliefs/benefits, such as deemed date, refixation of seniority etc., and as and when it is resorted to the same can be dealt with in accordance with law and on merits, for which this Court has not expressed any opinion. With these, the present Special Civil Application is disposed of. Rule is discharged. Ad-interim relief, if any, stands vacated.

[M.R. Shah, J.]

rmr.